

JUDGE LYNCH

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

ROBERT SILANO, :

Defendant. :

INDICTMENT

007 CRIM 1013

COUNTS ONE THROUGH THREE

The Grand Jury charges:

1. From at least in or about July 2005, up to and including in or about February 2006, in the Southern District of New York and elsewhere, ROBERT SILANO, the defendant, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and did cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and did receive therefrom, and did cause to be delivered by mail and such carriers, according to the direction thereon, such matters and things, to wit, SILANO, having devised a scheme to obtain items by fraud from his employer and resell

those items for money, did direct his employer to mail him the items described in the table below by submitting fraudulent customer part replacement requests and, upon receipt of the fraudulently obtained parts, did resell them for money to various purchasers:

Count	Item	Retail Value	Address Mailed to	Approximate Date of Mailing
1	Cisco WS-SUP720-3BXL	\$40,000	1 Penn Plaza, 9th Fl. New York, NY 10119	7/15/05
2	Cisco WS-SUP720-3BXL	\$40,000	50 Battery Place New York, NY 10280	12/28/05
3	Cisco WS-SUP720-3BXL	\$40,000	50 Battery Place New York, NY 10280	2/13/06

(Title 18, United States Code, Sections 1341 and 2)

FORFEITURE ALLEGATION

2. As the result of committing the offenses in violation of Title 18, United States Code, Section 1341, as alleged in Counts One through Three of this Indictment, ROBERT SILANO, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that represents or is traceable to the gross receipts obtained, directly or indirectly, from the commission of the charged offenses, including but not limited to a sum of money representing the amount of proceeds obtained as a

result of the offenses charged in Counts One through Three of this Indictment.

Substitute Asset Provision


3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 28 U.S.C. § 2461, to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, and Title 28, United States Code, Section 2461.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INDICTMENT

07 Cr.

(18 U.S.C. §§ 1341 & 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

11/5/07
SEM

Indictment filed. Case assigned to Judge Lynch. A/W issued for defendant.

- Francis, J.